

Accessible Voting for People with IDD

The Twenty-Sixth Amendment of the United States Constitution provides the right to vote to any citizen, eighteen years of age or older; however, voters with disabilities are almost twice as likely as voters without disabilities to report challenges in exercising this right. The New York State (NYS) Developmental Disabilities Planning Council (DDPC) supports legislation and programs that make voting more accessible to all New Yorkers.

Barriers

Although every citizen has the right to vote, people with intellectual and developmental disabilities (IDD) often face barriers to voting.

- **Election law** - New York is one of the 22 states along with the District of Columbia that has a mental incompetence election law.[1] NYS Election Law § 5-106(6) states that people who have been judged incompetent by a court order shall not have the right to vote. When a court decides that a person with IDD is incompetent, it denies them their constitutional right to vote and supports the stereotype that people with IDD do not have the capacity to make their own decisions.
- **Access to information** - Voters with disabilities can struggle with getting access to information about voting rights, resources, candidates and elections.
- **Accessible polling sites** - Many polling places are inaccessible. In a 2019 survey conducted by the Center for Independence of the Disabled New York (CIDNY) of 72 polling sites in New York City, only 36% were free of physical barriers.[2] Also, long waits in large crowds can present a challenge for some individuals with IDD.
- **Adequate accessible voting machines** - All polling locations, regardless of population served, are required to have only one accessible voting machine. This can create long waits, and many times, the poll workers have not been properly trained to use the machine.[3]

- **Lack of poll workers and IDD representation** – There is currently a poll worker shortage that makes it harder for people with disabilities to get proper assistance at the polls.[4] In addition, there are very few poll workers with IDD, who could function as a peer-to-peer navigator for other people with IDD that are voting.

Policy Solutions

1. Eliminate Discrimination for Voters with IDD

Overturn New York State Election Law § 5-106(6) to reflect the signing of Bill S7107B/A8586, which adds Article 82 to the Mental Hygiene Law, recognizing the process of Supported Decision-Making in NYS. Encourage people with IDD to make a plan to vote during the supported decision-making process or guardianship hearing.

2. Share Resources with Voters with IDD

Utilize partnerships between the NYS Board of Elections and IDD organizations to ensure information about upcoming elections, voting registration, voting rights, laws, procedures and resources are available to all New Yorkers with a disability in a timely and accessible manner.

3. Improve Polling Site Accessibility

Establish an accessibility officer in each county that is available to hear and address self-advocates' accessibility concerns and monitors site compliance. Allow voters to schedule a voting appointment and indicate needed accommodations to lower wait times. Invest in additional accessible voting machines.

4. Recruit and Train Poll Workers

Explore recruitment strategies and incentives to hire more poll workers, including people with IDD. Ensure poll workers receive hands on training to provide assistance to people with IDD when they are voting including, but not limited to, operation of accessible voting equipment and ADA voting site compliance.

Sources

[1] Washington D.C. Judge David L. Bazelon Center for Mental Health Law, Autistic Self-Advocacy Network, National Disability Rights Network, Schulte, Roth & Zabel LLP, and Akin Gump Strauss Hauer & Feld LLP, VOTE. (2020). It's Your Right: A Guide to the Voting Rights of People with Mental Disabilities. Bazelon Center. <http://www.bazelon.org/wp-content/uploads/2020/10/Bazelon-2020-Voter-Guide-Full.pdf> [2] Center for Independence of the Disabled New York. (2019). CIDNY Poll Site Surveys 2019. <https://www.cidny.org/wp-content/uploads/2019/11/November-General-Election-2019-report.pdf> [3] Ives-Ruble, M. & Root, D. (2021). Enhancing Accessibility in U.S. Elections. Center for American Progress. <https://www.americanprogress.org/article/enhancing-accessibility-u-s-elections/> [4] Roberts, W., Sozan, M. & Root, D. (2020). Recruiting and Retaining Poll Workers During the Coronavirus Pandemic. Center for American Progress. <https://www.americanprogress.org/article/recruiting-retaining-poll-workers-coronavirus-pandemic/>